

### **REMARKS/ARGUMENTS:**

This application has been reviewed in light of the final Office Action mailed on May 22, 2009. Claims 16 and 30-53 are pending in the present application with Claims 16, 32 and 46 being in independent form. No amendments have been made in view of the final Office Action. The Examiner is respectfully requested to consider the following remarks before allowing the pending claims.

Claims 32, 34-37, 46-48 and 51 were rejected under 35 U.S.C. 102(e) as being anticipated by Wang (U.S. Patent No. 7,349,548). Applicant respectfully traverses this rejection.

Independent Claim 32 recites, *inter alia*, as follows:

“A device, comprising:

...

an automatic adjustment unit adapted to receive the auxiliary audio signal and to receive an auxiliary level control signal derived from the main audio signal, and in response thereto to **automatically adjust** a level of **the auxiliary audio signal** to have a particular **ratio with respect to a level of the main audio signal**.”(Emphasis added.)

It is respectfully submitted that Wang fails to disclose or suggest “... automatically adjust a level of the auxiliary audio signal to have a particular ratio with respect to a level of the main audio signal”, as recited by independent Claim 1.

As understood by Applicant, Wang is directed to an electronic apparatus including a selection part through which one of the sound input channels is selected, and a controller controlling the individual volume controllers to make the selected sound input channel have a normal volume level and to lower the output volume of unselected input channels below a **predetermined volume level**. (See e.g., Abstract) Wang discloses the storage of a **setup volume level which is previously set up by the user** and employed as the output level of the unselected sound input channels. (Column 4 lines 42-45) When the user selects one input channel through the selection part, the

microprocessor makes the selected input channel have a normal volume level and lowers the output volume levels of the unselected input channels below a predetermined volume level, where the lowered output volume levels of the unselected input channels are the setup volume levels stored in memory. (Column 4 lines 56-65) In other words, Wang teaches that the user predetermines the output volume level of the unselected inputs by storing a setup volume level in memory.

In contrast, in the present disclosure, after the user selects a main audio signal and an auxiliary signal the automatic adjustment unit receives the auxiliary signal and an auxiliary level control signal derived from the main audio signal and automatically adjusts the level of the auxiliary audio signal to have a particular ratio with respect to a level of the main audio signal. Here the volume level of the auxiliary audio signal is not predetermined or stored in memory but rather is automatically calculated as a ratio of the volume level of the main audio signal. If, for example, the user were to adjust the volume level of the main audio signal, the volume level of the auxiliary audio signal would be adjusted automatically according to the selected ratio rather than staying at a predetermined setup volume level. Claim 32 is patently distinguishable over the teachings of Wang. There is no teaching or suggestion in Wang of automatically adjusting the level of an auxiliary audio signal to have a particular ratio with respect to the level of the main audio signal, as required by Applicant's Claim 32.

Accordingly, withdrawal of the rejection under 35 U.S.C. §102(e) with respect to Claim 32 and allowance thereof is respectfully requested.

It is respectfully submitted that independent Claim 46 recites similar limitations as those of independent Claim 32.

Accordingly, for at least the same reasons presented above for Claim 32, withdrawal of the rejection under 35 U.S.C. §102(e) with respect to Claim 46 and allowance thereof are respectfully requested.

Claims 34-37, 47-48 and 51 depend, directly or indirectly, from independent Claims 32 and 46 and therefore include the claim limitations of their respective independent claims. Accordingly, for at least the same reasons given above for the allowance of Claims 32 and 46, the withdrawal of the rejection under 35 U.S.C. §102(e) with respect to dependent Claims 34-37, 47-48 and 51 and allowance thereof are respectfully requested.

Claims 16 and 30-31 were rejected under 35 U.S.C. 103(a) as being unpatentable over Wang (U.S. Patent No. 7,349,548) in view of Suzuki (U.S. Patent No. 5,054,077) and in further view of Weber (U.S. 6,396,549).

Claim 16 recites, *inter alia*, as follows:

“a second user-operable control device which responds to a user control to **toggle among a plurality of pre-set relative sound level ratios** between the main channel (MC) and the at least one auxiliary channel (AC1).”(Emphasis added.)

At the bottom of page 5 of the present Office Action, the Examiner admits that Wang does not disclose expressly “a second user-operable control device which responds to a user control toggle among a plurality of pre-set relative sound level ratios between the main channel(MC) and the at least one auxiliary channel (AC1).” The Examiner relied on Suzuki to cure such deficiencies.

As understood by Applicant, Suzuki teaches a fader device used for an audio mixer and includes fader operators capable of being operated both manually and by a motor individually for each of plural channels. (See e.g., Abstract) Specifically Suzuki teaches a fader device in which absolute amounts of fading in the respective channels in the group operation mode can be readily

recognized. (Column 1 lines 67-68, Column 2 lines 1-2) The fader can switch between single and group mode. (Fig. 1 #54) When one fader in the group has been operated the position of the fader is detected and the amount of change is computed. (Column 4 lines 11-16) When in group mode this change value is then used to displace the other faders in that group by the same amount. (Column 4 lines 5-24) In other words, Suzuki teaches the ability to group channels such that the adjustment of one channel automatically adjusts the other grouped channels by the same amount.

In contrast, in the present disclosure, the auxiliary channel is adjusted based the sound level ratio between the main channel and auxiliary channel sound levels. The user selects the desired ratio to be used through a control toggle and the ratio is applied to adjust the auxiliary channel based on the main channel sound level value. There is no teaching or suggestion in Suzuki that a user can toggle among a plurality of pre-set relative sound level ratios as required by Applicant's Claim 16.

Additionally, Weber does not address the deficiencies of Wang and Suzuki with respect to Claim 16. As understood by Applicant, Weber deals with a remote control for use with a volume control device. There is no teaching or suggestion in Weber that a user can toggle among a plurality of pre-set relative sound level ratios as required by Applicant's Claim 16.

Accordingly, withdrawal of the rejection under 35 U.S.C. §103(a) with respect to Claim 16 and allowance thereof are respectfully requested.

Claims 30 and 31 depend directly from independent Claim 16 and therefore include the claim limitations found in Claim 16. Claims 30 and 31 are allowable over the prior art of record for at least the same reasons presented above for the patentability of Claim 16. Accordingly, withdrawal of the rejection under 35 U.S.C. §103(a) and allowance thereof are respectfully requested.

Claims 33 and 43 were rejected under 35 U.S.C. §103(a) as being unpatentable over Wang (U.S. Patent No. 7,349,548) in view of Kaneko (U.S. Patent No. 4,464,781).

Claims 33 and 43 depend directly from independent Claim 32 and therefore include the claim limitations found in Claim 32. Claims 33 and 43 are allowable over prior art of record for at least the same reasons presented above for the patentability of Claim 32. Additionally, Kaneko fails to address the deficiencies of Wang with respect to independent Claim 32. As understood by Applicant, Kaneko is directed to an equalizer apparatus for audio equipment capable of selecting between a 2-speaker system and a 4-speaker system. (See e.g., Abstract) Kaneko fails to teach or suggest automatically adjusting the level of an auxiliary audio signal to have a particular ratio with respect to the level of the main audio signal, as required by Applicant's Claim 32. Accordingly, withdrawal of the rejection under 35 U.S.C. §103(a) with respect to Claims 33 and 43 and allowance thereof are respectfully requested.

Claims 38 and 49 were rejected under 35 U.S.C. §103(a) as being unpatentable over Wang (U.S. Patent No. 7,349,548) in view of Vaudrey et al. (U.S. Patent No. 6,311,155).

Claims 38 and 49 depend indirectly from independent Claims 32 and 46 and therefore include the claim limitations of their respective independent claims. Claims 38 and 49 are allowable over the prior art of record for at least the same reasons presented above for the patentability of Claims 32 and 46. Additionally, Vaudrey et al. fails to address the deficiencies of Wang with respect to Claims 32 and 46. As understood by Applicant, Vaudrey et al. is directed to a method for providing multiple users with voice-to-remaining audio adjustment capabilities including the reception of multiple decoders with voice and remaining audio simultaneously. (See e.g., Abstract) Vaudrey et al. fails to teach or suggest automatically adjusting the level of an auxiliary audio signal to have a particular ratio with respect to the level of the main audio signal, as required by Applicant's Claims 32 and 46. Accordingly, withdrawal of the rejection under 35 U.S.C. §103(a) with respect to Claims 38 and 49 and allowance thereof are respectfully requested.

Claims 39, 50 and 52 were rejected under 35 U.S.C. §103(a) as being unpatentable over Wang (U.S. Patent No. 7,349,548).

Claims 39, 50 and 52 depend indirectly from independent Claims 32 and 46 and therefore include the claim limitations of their respective independent claims. Claims 39, 50 and 52 are allowable over the prior art of record for at least the same reasons presented above for the patentability of Claims 32 and 46. Accordingly, withdrawal of the rejection under 35 U.S.C. §103(a) with respect to Claims 39, 50 and 52 and allowance thereof are respectfully requested.

Claim 40 was rejected under 35 U.S.C. §103(a) as being unpatentable over Wang (U.S. Patent No. 7,349,548) in view of Allred (U.S. Patent No. 6,965,676).

Claim 40 depends directly from independent Claim 32 and therefore includes the claim limitations found in Claim 32. Claim 40 is allowable over the prior art of record for at least the same reasons presented above for the patentability of Claim 32. Additionally, Allred fails to address the deficiencies of Wang with respect to Claim 32. As understood by Applicant, Allred is directed to an audio compensation system for producing a sound compensated output signal. (See e.g., Abstract) Allred fails to teach or suggest automatically adjusting the level of an auxiliary audio signal to have a particular ratio with respect to the level of the main audio signal, as required by Applicant's Claim 32. Accordingly, withdrawal of the rejection under 35 U.S.C. §103(a) with respect to Claim 40 and allowance thereof are respectfully requested.

Claims 44 and 53 were rejected under 35 U.S.C. §103(a) as being unpatentable over Wang (U.S. Patent No. 7,349,548) in view of Sato et al. (U.S. Patent No. 5,048,091).

Claims 44 and 53 depend, directly or indirectly, from independent Claims 32 and 46 and therefore include the claim limitations of their respective independent claims. Claims 44 and 53 are allowable over the prior art of record for at least the same reasons presented above for the

patentability of Claims 32 and 46. Additionally, Sato et al. fails to address the deficiencies of Wang with respect to Claims 32 and 46. As understood by Applicant, Sato et al. is directed to a talker speech level control circuit for controlling the level of an electric signal converted from a talker speech. (See e.g., Abstract) Sato et al. fails to teach or suggest automatically adjusting the level of an auxiliary audio signal to have a particular ratio with respect to the level of the main audio signal, as required by Applicant's Claims 32 and 46. Accordingly, withdrawal of the rejection under 35 U.S.C. §103(a) with respect to Claims 44 and 53 and allowance thereof are respectfully requested.

Claim 45 was rejected under 35 U.S.C. §103(a) as being unpatentable over Wang (U.S. Patent No. 7,349,548) in view of Rodriguez et al. (U.S. Patent No. 7,373,650).

Claim 45 depends directly from independent Claim 32 and therefore includes the claim limitations found in Claim 32. Claim 45 is allowable over the prior art of record for at least the same reasons presented above for the patentability of Claim 32. Additionally, Rodriguez et al. fails to address the deficiencies of Wang with respect to Claim 32. As understood by Applicant, Rodriguez et al. is directed to a Digital Home Communication Terminal including a plurality of tuners, each of which can select one of a plurality of transmission channels provided by a Digital Broadband Delivery System. (See e.g., Abstract) Rodriguez et al. fails to teach or suggest automatically adjusting the level of an auxiliary audio signal to have a particular ratio with respect to the level of the main audio signal, as required by Applicant's Claim 32. Accordingly, withdrawal of the rejection under 35 U.S.C. §103(a) with respect to Claim 45 and allowance thereof are respectfully requested.

The Examiner has stated that dependent Claims 41 and 42 are allowable subject matter but are objected to as being dependent on a rejected base claim. Applicant thanks the Examiner for stating that Claims 41 and 42 are allowable subject matter and respectfully submits that Claims 41

and 42 are allowable as indirectly dependent claims of independent Claim 32 for at least the same reasons presented above for the patentability of Claim 32.

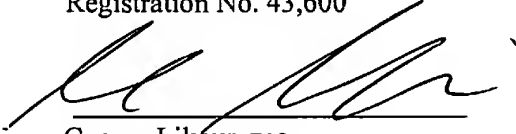
In view of the foregoing remarks, it is respectfully submitted that all claims presently pending in the application, namely, Claims 16 and 30-53, are believed to be in condition for allowance.

If the Examiner should have any questions concerning this communication or feels that an interview would be helpful, the Examiner is requested to contact the undersigned.

Respectfully submitted,

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